

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In the Matter of the Application of

INTERNATIONAL ENGINEERING &
CONSTRUCTION S.A.,

Petitioner,

For an Order under Article 75 of the Civil
Practice Law and Rules to vacate the Parties'
arbitral award,

-against-

GE OIL & GAS, LLC (f/k/a GE OIL & GAS,
INC.), GE INTERNATIONAL OPERATIONS
(NIGERIA) LTD., BAKER HUGHES
ENERGY SERVICES LLC, PRESSURE
CONTROL SYSTEMS NIGERIA LTD.,
BAKER HUGHES CO., and BAKER
HUGHES HOLDINGS LLC,

Respondents.

Civil Action No. 1:21-cv-02003

NOTICE OF REMOVAL

PLEASE TAKE NOTICE that Respondents Baker Hughes Energy Services LLC (f/k/a GE Oil & Gas, LLC, f/k/a GE Oil & Gas, Inc.) ("GEOG"), GE International Operations (Nigeria) Ltd. ("GE Nigeria"), Pressure Control Systems Nigeria Ltd. ("PCSNL"), Baker Hughes Co., and Baker Hughes Holdings LLC (collectively, "Respondents"), by and through their undersigned counsel, hereby remove the above-captioned action pending in the Supreme Court, New York County (Index No. 650627/2021), to the United States District Court for the Southern District of New York, pursuant to 9 U.S.C. § 205, and as grounds for removal state as follows.

1. On October 30, 2020, the arbitral tribunal issued its final award (the “Award”) in connection with an international arbitration between Respondents and the arbitration claimants, Petitioner International Engineering & Construction S.A. (“IEC”) and Greenville Liquefied Natural Gas Company Ltd., relating to a liquified natural gas plant in Nigeria.

2. On January 27, 2021, IEC commenced the above-captioned action (the “State Court Action”) to vacate the Award in the Supreme Court of the State of New York, New York County, Index No. 650627/2021. True and correct copies of IEC’s petition to vacate the Award and supporting papers are attached hereto as **Exhibit A**.

3. On March 5, 2021, Respondents GEOG, GE Nigeria, and PCSNL filed a petition to confirm the Award in this Court, Civil Action No. 21-cv-1961-JMF (“Petition to Confirm”). True and correct copies of the Petition to Confirm and supporting papers are attached hereto as **Exhibit B**.

4. The State Court Action is hereby removed to federal court under 9 U.S.C. § 205, which states:

Where the subject matter of an action or proceeding pending in a State court relates to an arbitration agreement or award falling under the Convention,¹ the defendant or the defendants may, at any time before the trial thereof, remove such action or proceeding to the district court of the United States for the district and division embracing the place where the action or proceeding is pending.

5. This Court has original jurisdiction over this action under 9 U.S.C. § 203, which confers federal subject matter jurisdiction over actions concerning arbitral awards governed by the New York Convention. As detailed in the Petition to Confirm, the Award is governed by the New York Convention because the arbitration involved a written commercial agreement, involved

¹ This refers to the Convention on the Recognition and Enforcement of Foreign Arbitral Awards, June 10, 1958, 21 U.S.T. 2517, 33 U.N.T.S. 38, codified at 9 U.S.C. §§ 201-208 (the “New York Convention”).

foreign parties, was seated in New York, and concerned matters that are not entirely domestic in scope.

6. This Notice of Removal is timely filed because 9 U.S.C. § 205 allows for removal “at any time before the trial.” *Id.* There has been no trial or any adjudication relating to the Award that Petitioner seeks to vacate and Respondents seek to confirm.

7. Venue is proper in this Court because the United States District Court for the Southern District of New York is “the district and division embracing the place where the [state court] action or proceeding is pending.” *Id.*

8. Respondents reserve their rights to amend this notice of removal, including for the purposes of attaching additional material.

Dated: New York, New York
March 8, 2021

Respectfully submitted,

/s/ David W. Kiefer
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